

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 9, 2005

IN RE:

**APPLICATION OF COMM SOUTH COMPANIES, INC.
FOR A CERTIFICATE TO PROVIDE
COMPETING FACILITIES-BASED LOCAL
TELECOMMUNICATIONS SERVICES**

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**DOCKET NO.
02-00665**

Company ID: 126483

**ORDER GRANTING CANCELLATION OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS SERVICES
AND DENYING WAIVER REQUEST**

This matter came before Director Deborah Taylor Tate, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (“Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 17, 2005 for consideration of the *Application of Comm South Companies, Inc. to Discontinue Residential Local Exchange and Interexchange Services and Request for Waiver of the Ninety-Day Discontinuance Notification Period (“Application for Cancellation”)* filed on September 15, 2005

Comm South Companies, Inc. (the “Company”) originally filed an Application for authority to provide competing facilities-based local exchange telecommunications services on June 3, 2002. During a Hearing held on August 6, 2002, the Hearing Officer found that the Company had met all the requirements for certification and the requirements of Tenn Comp. R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 and Tenn Code Ann. § 65-4-201, and approved the Application.

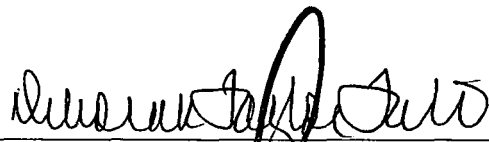
On September 15, 2005 the Company requested that the TRA cancel its authority and approve a waiver of TRA Rule 1220-4-8-.05(1)¹ to allow the Company to provide a 45-day discontinuance notice to its customers instead of the 90-day notice required by the rule. In its *Application for Cancellation*, the Company states that it has filed for Chapter 7 bankruptcy protection and is liquidating its business and assets, including discontinuing telecommunications services² On September 13, 2005, Comm South notified its customers that they had until December 12, 2005 to find another service provider³

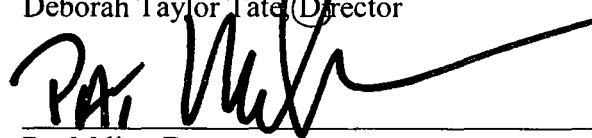
October 17, 2005 Authority Conference

At a regularly scheduled Authority Conference held on October 17, 2005, the panel voted unanimously to deny the Company's request for a waiver of TRA Rule 1220-4-8-.05(1) and to grant the Company's request to cancel its authority effective January 1, 2006.

IT IS THEREFORE ORDERED THAT:

1. The Company's request for a waiver of TRA Rule 1220-4-8-.05(1) is denied.
2. The authority of Comm South Companies, Inc. to provide competing facilities-based local exchange telecommunications services in Tennessee is cancelled effective January 1, 2006.


Deborah Taylor Tate, Director


Pat Miller, Director


Sara Kyle, Director

¹ TRA Rule 1220-4-8-.05(1) states:

Any Local Telecommunications Service Provider, except a telecommunications service provider with carrier of last resort obligations, which plans to discontinue providing all local service under its certificate in any or all local calling areas shall file formal notification with the Authority and all its affected customers by direct mail ninety (90) days in advance of the last anticipated day of service

² *Application for Cancellation*, p. 2 (September 15, 2005)

³ *Id*